

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

SHAWN FLYNN,)	2:19-CV-00213-MMD-CLB
)	
Plaintiff(s),)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	DATE: March 4, 2020
)	
JAMES DZURENDA, et al.,)	
)	
Defendant(s).)	
_____)	

PRESENT: THE HONORABLE CARLA BALDWIN, U.S. MAGISTRATE JUDGE
Deputy Clerk: Lisa Mann Court Reporter: Liberty Recorder
Counsel for Plaintiff(s): Frederick Melms (By telephone)
Counsel for Defendant(s): Doug Rands

PROCEEDINGS: STATUS CONFERENCE

10:08 a.m. Court convenes.

The Court advises counsel that the purpose of this hearing is to discuss the emergency motion for preliminary injunction (ECF No. 43) and corrected emergency motion for preliminary injunction (ECF No. 46) both filed by the plaintiff.

The Court inquires whether counsel for plaintiff has complied with the District Court's order regarding an expert medical witness and Mr. Melms advises that he has requested fees for an expert but has not yet heard back regarding his request.

The Court notes that the plaintiff filed an emergency motion/notice to the Court (ECF No. 48) that the Court has stricken (ECF No. 49) and directs Mr. Melms to advise his client that it is not appropriate for him to file papers with the Court when he is represented by counsel.

Mr. Melms advises that the plaintiff voluntarily withdraws his motions (ECF No. 43 and

46); therefore, the emergency motion for preliminary injunction (ECF No. 43) and the corrected emergency motion for preliminary injunction (ECF No. 46) are both deemed WITHDRAWN.

Mr. Rands advises that in light of the change in the Nevada Department of Corrections Medical Directive 219, the defendant agrees to have the plaintiff reevaluated to see if he now qualifies for treatment under that policy.

Therefore, the Court sets a continued status conference for **Friday, April 17, 2020 at 10:00 a.m.** The Attorney General's Office is directed to make the necessary arrangements for the telephonic appearance of Mr. Flynn and shall provide the deputy court clerk with the telephone number at which Mr. Flynn can be reached for this continued status conference.

The Court clarifies that the plaintiff is not included in the class action at this time and has been included in the consolidation of cases for the purpose of discovery only. The Court further clarifies that the plaintiff will have an opportunity to decide whether he wishes to be part of the class action at a later date. The Court notes that it believes that it would be beneficial for the plaintiff to choose to be part of the class action; however, further notes that decision will ultimately be made by the plaintiff.

IT IS SO ORDERED.

10:21 a.m. Court adjourns.

DEBRA K. KEMPI, CLERK

By: _____/s/_____
Lisa Mann, Deputy Clerk